



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

201-15535

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Eric R. Johnson  
Fort James Corporation  
P.O. Box 89  
Deerfield, IL 60015-0089

Dear Mr. Johnson:

Thank you for your letter of November 30, 1999 to the former Administrator of the U.S. Environmental Protection Agency (EPA) concerning the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in replying to your request.

In your letter, you inquired about the status of "Resin acids and Rosin acids, aluminum salts," or aluminum rosinate, (CAS No. 61789-65-9), and "Sulfite liquors and Cooking liquors, spent," or spent pulping liquors, (CAS No. 66071-92-9), under the HPV Challenge Program. Your letter specifically requested that the Agency remove aluminum rosinate from the HPV Challenge Program Chemical List (HPV Chemical List) because it was reported in error to the EPA under the 1990 and 1994 Toxic Substances Control Act (TSCA) Inventory Update Rule (IUR) reporting cycles. Furthermore, you indicated that the law firm of Keller and Heckman *has been* pursuing an exemption of aluminum rosinate from the HPV Challenge Program. Similarly, concerning spent pulping liquors, you indicated that the American Forest and Paper Association (AF&PA) has been working with EPA on the exemption of spent pulping liquors from the HPV Challenge Program. On March 8, 1999, the Agency responded to AF&PA's request to remove spent pulping liquors, (CAS No. 66071-92-9), from the HPV Challenge Program Chemical List. You can access this letter by visiting our ChemRTK website at <http://www.epa.gov/chemrtk/techresp.htm>.

**Aluminum Rosinate, (CAS No. 61789-65-9)**

As your letter indicated, the Agency has previously addressed the question of whether aluminum rosinate is subject to IUR reporting under TSCA. In a letter dated August 18, 1999, to Mr. John Dubeck of Keller and Heckman, EPA stated that aluminum rosinate was exempt from IUR reporting under 40 C.F.R. § 720.30(h)(5). Accordingly, no aluminum rosinate produced in the papermaking process should have been reported for the IUR. We have re-evaluated this case under the HPV Challenge Program and we continue to consider that aluminum rosinate, (CAS 61789-65-9), as it is described in our letter to Keller and Heckman, is exempted from IUR reporting under TSCA.

However, upon reexamination of the applicability of the exclusion provision stipulated under 40 C.F.R. § 720.30(h)(5) to the manufacturing process that Keller and Heckman described in their letter, EPA now believes that it may be debatable to conclude that the aluminum rosinate formed during the manufacture of the paper product could be viewed as a substance produced by the actual end use of the rosin and alum, as the term “end use” is traditionally understood. Based on the information provided, EPA believes that a 40 C.F.R. § 720.30(h)(7) exemption is more appropriate for the following reasons:

- (1) The addition of alum to pulp is necessary to precipitate rosin onto the paper fibers. Aluminum rosinate is formed by a chemical reaction that involves the use of an agglomerating agent or flocculent (alum).
- (2) Although it improves the physical properties of the paper ultimately formed from the slurry, the aluminum rosinate does not provide the primary properties of the slurry (i.e., its ability to form paper).
- (3) The aluminum rosinate clearly has no commercial purpose separate from the slurry and is not itself intended for distribution in commerce as a chemical substance.

In addition, any chemical products that may result from reactions of rosin and alum with each other or with the cellulose while they are functioning as intended, whether as flocculents or sizing agents, are exempt from reporting under 40 C.F.R. § 720.30(h)(7). Such substances do not contribute a primary property that would be essential to the functioning of the paper as a viable commercial product.

#### **Spent Pulping Liquors, (CAS No. 66071-92-9)**

As noted above, in a letter dated March 8, 1999, the Agency responded to AF&PA's request to remove spent pulping liquors, (CAS No. 66071-92-9), from the HPV Chemical List. AF&PA asserted that they believed this chemical to be a byproduct and therefore would qualify for a TSCA Inventory exemption. In EPA's letter to AF&PA, the Agency stated that chemicals may be byproducts for one manufacturer, but they are not necessarily byproducts for all manufacturers. Spent pulping liquors is on the HPV Chemical List because it was reported at HPV levels under the 1990, 1994, and 1998 Inventory Update Rule (IUR) reporting cycles. As of December 15, 2000, the AF&PA consortia voluntarily sponsored spent pulping liquors, (CAS No. 66071-92-9), under the HPV Challenge Program. You may wish to contact AF&PA and join the other 28 companies who have publicly committed to make screening level health and environmental hazard data on this HPV chemical publicly available by the year 2005.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov).

We thank you for your letter and look forward to your continued interest in the HPV Challenge Program.

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: AR201